

WILLIE WEAVER,  
Plaintiff,  
vs.  
P.B.S.P. THIRD WATCH,  
Defendant. ) No. C 07-03144 JW (PR)  
 ) ORDER DENYING MOTION TO  
 ) VACATE JUDGMENT  
 )  
 ) (Docket No. 9)

Plaintiff filed a motion to vacate judgment (Docket No. 9) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59 permits parties to an action in which there has been a trial by jury to move for a new trial for the reasons set forth therein. See Fed. R. Civ. P. 59(a). There was no trial by jury in this action as Plaintiff's complaint was dismissed pursuant 28 U.S.C. §1915(g). (Docket No. 6) Accordingly, Plaintiff's motion is DENIED.

This order terminates Docket No. 9.

DATED: June 10, 2008

**JAMES WARE**  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,

Case Number: CV07-03144 JW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

P.B.S.P. THIRD WATCH,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/17/2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Willie Eugene Weaver J-91389  
Pelican Bay State Prison  
5905 Lake Earl Drive  
P. O. Box 7000  
Crescent City, Ca 95531-7000

Dated: 6/17/2008

Richard W. Wiking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk